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17 Attorneys for Plaintiff
18 SIDENSE CORP.

19 **UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 SIDENSE CORP., a Canadian Corporation,
23
24 Plaintiff,
25
26 v.
27
28 KILOPASS TECHNOLOGY, INC., a
California Corporation,
Defendant.

Case No. 14-02238-SI

**JOINT STATUS REPORT AND
REQUEST FOR CONTINUANCE OF
CASE MANAGEMENT CONFERENCE
DATE**



INTRODUCTION AND REQUEST FOR CONTINUANCE

Plaintiff Sidense Corp. and Defendant Kilopass Technology, Inc. (collectively “the Parties”) hereby respond to the Court’s April 22, 2015 Order (Dkt. No. 14) requesting a Joint Status Report, and request relief from compliance with the portion of that Order setting a Case Management Conference on May 8, 2015 and ordering a preliminary Joint Case Management Statement to be filed on May 1, 2015. The Parties request (1) that the present report be deemed to comply with the Order requiring a Joint Status Report to be filed on or before May 1, 2015, and (2) that the Case Management Conference currently scheduled for May 8, 2015 be continued to June 19, 2015, and the deadline for the Parties’ Joint Case Management Statement be continued to and including June 12, 2015.

DISCUSSION

Upon issuance of the Court’s March 11, 2015 Order awarding fees and costs to Sidense in the related case 3:10-cv-02006, the Parties initiated global settlement discussions regarding the Parties’ collective legal disputes, including the above-captioned action.¹ At the same time, recognizing that setting a Case Management Conference (“CMC”) date in the above-captioned action would trigger (1) compliance with preliminary CMC compliance requirements under the Court’s Local Rules, and (2) service of the Complaint which would, in turn, trigger deadlines for Kilopass’ response to the Complaint in the present case, and require the Court to begin spending time on this case, the Parties agreed to request a CMC date of May 22, 2015 in order to avoid triggering either of these events for a reasonable time to allow settlement discussions to bear fruit before requiring the Parties bear the expense of these compliances and responses, and to avoid having wasted the Court’s time in the event of settlement. *See* Dkt. No. 8 (stipulated and ordered

¹ On March 25, 2015, Kilopass filed a Notice of Appeal in C 10-2066 SI (Dkt. No. 462) as to (1) the Court’s August 12, 2014 Order granting Sidense’s motion for attorneys’ fees (Dkt. No. 427) and (2) the Court’s March 11, 2015 Order regarding the attorneys’ fees calculation (Dkt. No. 461). Sidense subsequently filed a Notice of Appeal on April 8, 2015 (Dkt. No. 467) as to the Court’s March 11, 2015 Order regarding the attorneys’ fees calculation (Dkt. No. 461). This is a cross appeal from Kilopass’ earlier appeal. These appeals are protective of the Parties’ positions, should settlement not occur.



1 agreement for the Parties to set a CMC “at the earliest date on the Court’s calendar that is at least
2 21 days after filing of the attorneys’ fee order”).

3 As settlement discussions progressed, however, it became evident that additional time
4 would be required and, as a result, the Parties tentatively agreed—on April 22, 2015—to jointly
5 request that the Case Management Conference be set for a later date. The Parties were in the
6 process of preparing this report and request when they received the Court’s April 22, 2015 Order
7 (Dkt. No. 14) setting the May 8, 2015 Case Management Conference. Accordingly, the parties
8 jointly request that Case Management Conference be set for either June 5, June 19 or July 10, with
9 June 19 being preferred.

10 Good cause exists for the requested continuance of the Case Management Conference date
11 to avoid wasting the Court’s time and the Parties’ resources preparing for a potentially
12 unnecessary Case Management Conference in view of the Parties’ ongoing settlement discussions.

13 Additionally, Sidense would be potentially prejudiced by the current May 8, 2015 Case
14 Management Conference date. If the Court were to enforce this date, Sidense’s deadline for
15 service of the Complaint, according to the Court’s September 9, 2014 Order (Dkt. No. 13), would
16 be 21 days prior to the May 8, 2015 date—*i.e.*, April 17, 2015—a date which has ***already passed***.
17 Enforcement of the May 8, 2015 date would thus be prejudicial to Sidense because it would raise
18 potential statute of limitation issues.

19 CONCLUSION

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21 For the above reasons, the Parties request that the Case Management Conference currently
22 scheduled for May 8, 2015 be continued to June 19, 2015, and the deadline for the Parties’ Joint
23 Case Management Statement be continued to and including June 12, 2015. The Parties apologize
24 for not having earlier informed the Court of the status of this case and their joint rationale for
25 requesting the June 19, 2015 Case Management Conference date.

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1 DATED: April 24, 2014

Respectfully submitted,

2 KILPATRICK TOWNSEND & STOCKTON LLP

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4 By: /s/ Kevin J. O'Brien

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14 Attorneys for Defendant
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**CERTIFICATION PURSUANT TO CIVIL L.R 5-1(i)(3),
RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

In accord with the Northern District of California's Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of other signatories who are listed on the signature pages. I shall maintain records to support this concurrence for subsequent production for the Court if so ordered, or for inspection upon request by a party until one year after final resolution of the action (including appeal, if any).

April 24, 2014

/s/ Kevin J. O'Brien

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Case management conference is continued to 6/19/16 @ 3 p.m.

The joint case management conference statement shall be filed on 6/12/15.

Date: 4/27/15



The Hon. Susan Illston
United States District Court Judge

